

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**AUSTIN LEE SULLIVAN**

**PLAINTIFF**

**v.**

**CASE NO. 3:12CV00092BSM**

**DALE COOK, Sheriff of  
Mississippi County et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe have been reviewed. No objections have been filed. After careful consideration, it is concluded that the proposed findings and partial recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. The complaint [Doc. No. 2] is dismissed without prejudice, pursuant to 28 U.S.C. §1915A(b), for failure to state a claim upon which relief may be granted.
2. Dismissal of the complaint constitutes a “strike” within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
3. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order and the accompanying judgment would not be taken in good faith.

DATED this 8th day of February 2013.

  
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**UNITED STATES DISTRICT JUDGE**